

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: Tyshera M. TRAPP

Docket Number: 5:00-M-20480-001 TAG

Offender Address: 1000 E. Avenue Q, Apt. 102B
Palmdale, CA 93550

Judicial Officer: Honorable Theresa A. Goldner
United States Magistrate Judge
Edwards, California

Original Sentence Date: 04-10-01

Original Offense: 18 USC 13: CPC 496(a) - Receiving Stolen Property
(CLASS A MISDEMEANOR)

Original Sentence: 3 years probation; \$25 special assessment; \$1,600
restitution; mandatory testing

Special Conditions: Warrantless search; drug counseling and testing; co-
payment; 100 hours community service

Type of Supervision: Supervised release

Supervision Commenced: 10-04-04

Assistant U.S. Attorney: Captain Hemphill **Telephone:** (661) 277-8120

Defense Attorney: David Wallin **Telephone:** (661) 267-1313

Other Court Action:

08-22-01: Violation Petition submitted alleging a new law violation; specifically, the defendant passed a forged check in violation of CPC 470(d) - Forgery/Altering Passing a Check With Intent to Defraud. On November 20, 2001, the Court found the defendant in violation of probation, and re-instated with the following special conditions: complete 80 hours of community service by March 1, 2002, and serve

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6 months in the Bureau of Prisons (stayed pending any violation of probation).

03-31-03: Violation Petition alleging illicit drug use. In a Decisional Memorandum filed on March 9, 2004, the Court found the defendant in violation of probation, and continued the matter to April 1, 2004, for disposition.

03-18-04: Violation Petition alleging a new law violation. The Probation Officer requested the Court issue a Summons and calendar the initial hearing on April 1, 2004.

04-01-04: The Court found the defendant guilty of the single charge Petition dated March 31, 2003, alleging Illicit Use of Drugs and the Court found the defendant guilty of the single charge Petition dated March 26, 2004, alleging a New Law Violation. The Court sentenced the defendant to six months in the Bureau of Prisons and 12 months supervised release with restitution in the amount of \$1,445 and the following special conditions: warrantless search and seizure; not to dispose assets; financial disclosure; no new credit, drug counseling; drug testing; \$5 co-payment; parenting classes; and, mental health counseling.

NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

1. FAILURE TO PAY RESTITUTION IN FULL

Details of alleged non-compliance: The defendant has been unable to maintain an established payment schedule sufficient to insure full collection of restitution prior to

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expiration of supervision. Supervision expires on October 3, 2005. To date, \$475 has been paid, leaving an unpaid balance of \$1,150.

Throughout the period of supervision, the defendant's economic circumstances were monitored for changes that might affect ability to pay. Computer asset searches of the Choice Point data base uncovered no unreported assets. When appropriate, the payment schedule was modified to insure required payments were commensurate with the defendant's financial ability. Income has remained stable and the defendant has complied with complete financial disclosure. The defendant is currently in compliance with all other supervision terms and conditions.

United States Probation Officer Plan/Justification: The probation officer will continue collection efforts until expiration. However, it is recommended that supervision be allowed to expire without full payment as the defendant's case will be referred to the U. S. Attorney's Office, Financial Litigation Unit, for continued collection of restitution.

Respectfully submitted,

/s/ R. Walters

R. WALTERS

United States Probation Officer

Telephone: (661) 861-4305

DATED: September 12, 2005
Bakersfield, California
RCW:dk

/s/ Rick C. Louviere

REVIEWED BY:

RICK C. LOUVIERE

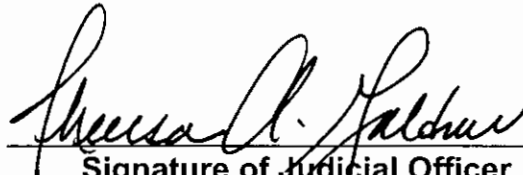
Supervising United States Probation Officer

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THE COURT ORDERS:

- ☒ The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- ☐ Submit a Request for Modifying the Conditions or Term of Supervision.
- ☐ Submit a Request for Warrant or Summons.
- ☐ Other:

September 12, 2005
Date



Signature of Judicial Officer
U.S. Magistrate Judge

cc: United States Probation
Captain Hemphill, Special Assistant United States Attorney
David Wallin, Defense Counsel